

Customer No. 23990

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of : Lisa A. Fillebrown, et al.

Serial No. : 09/775,042

Filed : February 1, 2001

For : METHOD FOR SUPPORTING A PERSONAL WIRELESS NETWORK

Group No. : 2151

Examiner : Zarni Maung

MAIL STOP AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal.

STATUS OF THE CLAIMS

Claims 1-22, 30, 32-33, 36-37, 40 and 45-46 are pending and stand rejected.

REJECTIONS

Claims 1-22, 30, 32-33, 36-37, 40 and 45-46 were rejected under 35 U.S.C. § 102(e) as being anticipated by Lincke (US Patent No. 6,397,259). Claims 1-22, 30, 32-33, 36-37, 40 and 45-46 were also rejected under 35 U.S.C. § 103(a) as being unpatentable over Gershman (US Patent No. 6,356,905) in view of Jones (US Patent No. 6,108,314).¹

¹ A second rejection based on Gershman and Jones, and further in view of Dolan (US Patent No. 6,396,820) appears to also be included in the text portion of final Office Action, however, no explicit rejection is noted therein.

REMARKS

102 Rejection Based on Lincke

The Office Action (only addressing Claim 1 as exemplary) takes the position that Applicant's first wireless device, second wireless device and wireless router are met by Lincke's web server 140, wireless device 100 and proxy server 180 (see Figure 1), respectively. Applicant's claims further recite that the two wireless devices perform wireless communications to one another through a wireless router. In response, the Office contends that web server 140 performs wireless transmissions to wireless device 100 through the proxy server 180 (which operates as the wireless router), and in support thereof cites to Figure 1 and Col. 12, lines 34-63 of Lincke.

The Office Action's position is incorrect. Upon review of Figure 1 and Col. 12, lines 34-63, it is clear that the communications between the web server 140 and the proxy server 180 are via wireline communications over the Internet. Applicant agrees that Lincke discloses that its wireless device 100 (and browser 104) can support both wireless and wireline connections – meaning the communications link between the wireless device 100 and the proxy server 180 may be wireless or wireline. This is virtually irrelevant, as the issue is whether Lincke discloses a wireless - as opposed to a wireline - communications link between the proxy server 180 and the web server 140.

Nothing in Col. 12, lines 34-63 discloses or describes that data is transmitted wirelessly between the proxy server 180 and web server 140. Reference to other portions of Lincke confirms this. The main thrust of Lincke is the use of a "thin" protocol between the wireless device 100 and proxy server 180 due to the limited bandwidth associated with wireless communications:

Wireless Network Topology

FIG. 1 and FIG. 4 show the general topology of a wireless communications network. As shown, the wireless client 405 (in FIG. 4, the wireless communications device 100 and its software have been combined into the wireless client 405) communicates directly with the proxy server 180. The wireless client 405 does not communicate directly with the actual source of data. The source of data can be a web or mail server that has content desired by the to wireless client 405. FIG. 1 shows the Internet 190 as the source of data and the source of data will be referred to as the Internet 190 throughout this application. Using this scheme, the wireless client 405 and the proxy server 180 can use a much more efficient ("thin") protocol between themselves than used by Internet mail and web servers. On the other hand, the proxy server 180 uses standard Internet protocols (HTTP, TCP) when communicating with existing mail and web servers. The proxy server 180 acts as an agent. *The proxy server 180 takes requests from the wireless client 405, obtains the requested*

information from the Internet 190, and re-formats and sends the requested information back to the wireless client 405. The proxy server 180, acting in this manner, can hide the relatively chatty and bandwidth intensive protocols used by standard Internet 190 servers from the wireless link. (Col. 17, lines 65 through Col. 18, line 21, emphasis supplied).

When read consistently, and as understood by a person skilled in the art, it is clear that Lincke does not disclose that the data transmitted between the proxy server 180 and the web server 140 is transmitted wirelessly.²

103 Rejection Based on Gershman and Jones (and further in view of Dolan)

The Office Action (only addressing Claim 1 as exemplary of the independent claims) takes the position that Gershman discloses everything except a wireless router³ and Jones teaches wireless communications using a plurality of routers – and therefore Applicant’s claimed invention is obvious. Applicant disagrees.

Gershman discloses a wireless device 2602, 2713 that generates and transmits a search query message to the wireless server 2606, 2722. The wireless server 2606, 2722 determines the appropriate third party service provider (communicatively coupled to the server 2606, 2722 via the internet or extranet) and transmits a new message thereto. The third party service provider performs the appropriate service and transmits the result back to the server 2606, 2722. The server 2606, 2722 forms a message based on the result and transmits this message to the wireless device 2602, 2713. Gershman, Col. 50, lines 27-55; Col. 56, lines 9-52. Therefore, it appears that the third party service provider and content providers 2730, not the wireless server 2606, 2722, execute the software application.⁴ Moreover, Applicant’s network enabled software applications, as described in the Applicant’s specification, do not appear equivalent to the intelligent agents 2724, customer intelligence 2726 or customer data 2728 in the Mobile Portal 2712. As a result, Gershman not only fails to explicitly describe a wireless router between the first and second devices, Gershman also fails

² “The proxy server 180 decompresses information from the wireless network side for use on the Internet 190 side of the proxy server 180.” Lincke, Col. 11, lines 13-15.

³ By implication, Gershman also fails to disclose the two different wireless protocols – as recited.

⁴ Though Gershman describes that this confirmation “allows the Electronic Valet 2602 to execute many different software applications without the need for a large amount of internal memory and storage capacity,” (Col. 50, lines 34-37), the third party service or content providers 2730 of Gershman perform the software execution – not the

to disclose other elements (e.g., associating the data with one of a plurality of network enabled software applications executing on the first device (wireless server)) as recited and arranged in Applicant's independent claims.

Applicant respectfully submits the Office Action fails to provide any articulated reasoning with some rational underpinning to support that the specific use of wireless routers in Jones should be combined with Gershman. The Office Action argues that using wireless routers would enable Gershman to operate with less amount of turnaround time. This does appear to make sense, as injecting another component within the network through which wireless communications must flow between two wireless devices (particularly a wireless server and a wireless device) would actually increase turn around time. Applicant's claimed invention allows a wireless device to operate wirelessly in a client-server model, and the inclusion of a wireless router extends the communications range. None of the references appear to describe this.

The Office Action concedes that even the combination of these two references does not disclose the utilization of two different wireless protocols, but that Jones suggests using two different wireless protocols as recited – citing Jones, Col. 2 lines 35-67 (referencing a “broad band” channel and “satellite links, FDDI wireless interface 231”). To the contrary, Jones discloses (1) broad-band radio channels between the wireless subscriber devices and the wireless routers 30, 31, 32 and 33, and (2) wireless communications between the respective wireless routers (see Figure 1). Jones describes in an alternative embodiment that each (as opposed to only two) of the wireless routers 30, 31, 32 and 33 are connected directly to the global Internet 40 (wireline connections), and in yet another alternative embodiment, the wireless links between wireless routers (links 34, 35, 36 and 37) may be replaced with land-based links (using FDDI, 100Base-X or ATM networks – all wireline communication protocols). And still, that “satellite links” may be possible. Nonetheless, Jones still fails to describe or teach that the wireless communications between one subscriber device (first wireless device) and a wireless router uses a first wireless communications protocol and the second subscriber device (second wireless device) uses a first wireless communications protocol. It is clear that Jones' subscriber devices which communicate with the wireless routers use the same “broad-

band” radio channel – which utilize the same wireless communications protocol since the cited portions of Jones fail to describe or teach anything to the contrary.

Therefore, even the combination of Gershman and Jones fails to disclose, teach or suggest each and every element as recited in the Applicant’s claims.

Applicant notes that the Office Action further argues that the claims are also obvious over Gershman-Jones in combination with a third reference, Dolan. In view of the noted deficiencies of the proposed Gershman-Jones combination, the additional combination with Dolan fails to cure these deficiencies.

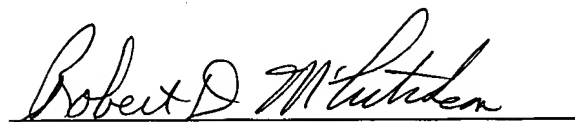
Further, Dolan is directed to control and data communications taking place between source and target base stations via a mobile switching center (MSC), and more specifically related to voice communications between two mobile units. Nothing in Dolan appears directed to network enabled software applications running on a wireless server for the benefit of wireless clients. In addition, the cited portion of Dolan makes no reference to the use of wireless communication protocols between base stations via the MSC. Dolan simply describes that the call control processor and interconnection processor within each base station communicate with the SDU in the MSC through two different communication links/channels (e.g., first and second packet interconnection protocols over different links). Col. 3, lines 31-59. Dolan is simply not related to, and does not disclose, teach or describe, wirelessly communicating a data packet from a first device to a second device through a wireless router where the path between the first device and the wireless router utilizes a first wireless communications protocol and the path between the wireless router and the second device utilizes a second wireless communications protocol. There is no rational reason to combine Dolan with the other two references, and even if combined, would not produce Applicant’s claimed invention.

As a result of the foregoing, the Applicant asserts all pending Claims are in condition for allowance, and respectfully request allowance of the Claims. The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK CARTER, P.C.

Date: 8/4/2008

A handwritten signature in cursive script, reading "Robert D. McCutcheon", written over a horizontal line.

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